

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Cornelius Morant,

Plaintiff,

vs.

Sumter County Police Dept.,
Chief Anthony Dennis, Sgt.
Michael Buchanan; and James
Byrd,

Defendants.

C/A No. 3:24-cv-1353-JFA

ORDER

Cornelius Morant (Plaintiff), proceeding *pro se*, filed this civil action on March 21, 2024. (ECF No. 1). In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), the case was referred to the Magistrate Judge for initial review.

After performing an initial review of the complaint pursuant to the court's screening procedures for *pro se* cases, the Magistrate Judge assigned to this action issued a proper form order, directing Plaintiff to provide documents required for service for process. (ECF No. 7). The order also issued the following notice:

You are ordered to always keep the Clerk of Court advised in writing (United States District Court, 901 Richland Street, Columbia, South Carolina 29201) if your address changes for any reason, so as to assure that orders or other matters that specify deadlines for you to meet will be received by you. If as a result of your failure to comply with this order, you fail to meet a deadline set by this court, your case may be dismissed for violating this order. Therefore, if you have a change of address before this case is ended, you must comply with this order by immediately advising the Clerk of Court in writing of such change of address and providing the court with the docket number of all pending cases you have filed with this court. Your failure to do so will not be excused by this court.

(ECF No. 7, pg. 3). Thereafter, Plaintiff complied with the Magistrate Judge's order and filed the documents required to bring the case into proper form. (ECF No. 10).

On July 11, 2024, the Magistrate Judge issued a scheduling order that was mailed to Plaintiff at Sumter-Lee Regional Detention Center, 1250 Winkles Road, Sumter, SC 29153—the address on record with the court. (ECF Nos. 19 & 20). However, on August 14, 2024, the mail service returned the scheduling order as undeliverable. (ECF No. 22).

A search of the Sumter-Lee Regional Detention Center's incarcerated inmates database indicates Plaintiff is no longer incarcerated at the facility. *See* Sumter-Lee Regional Detention Center Inmate Search> Inmates>Name (search "Morant"), available at <https://sumter-pd-sc.zuercherportal.com/#/inmates> (last accessed Oct. 16, 2024).¹ Additionally, the docket indicates Plaintiff did not comply with the proper form order and contact the Clerk of Court in writing to advise of a change of address.

Subsequently, on August 22, 2024, the Magistrate Judge issued a Report and Recommendation (Report), recommending that this Court dismiss Plaintiff's claims pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to comply with a court order. (ECF No. 23). The Magistrate Judge advised Plaintiff of his right to object to the Report by September 5, 2024. (ECF No. 23, pg. 5). Plaintiff failed to file objections, and the Report, which was mailed to the address of record, was returned as undeliverable. (ECF No. 29). Therefore, this matter is ripe for review.

¹ A court may take judicial notice of factual information located in postings on government websites. *See Philips v. Pitt Cnty. Mem'l Hosp.*, 572 F.3d 176, 180 (4th Cir. 2009).

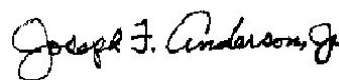
A district court is only required to conduct a *de novo* review of the specific portions of the Magistrate Judge's Report to which an objection is made. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992). In the absence of specific objections to portions of the Magistrate's Report, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

Here, Plaintiff failed to raise any objections, and therefore this Court is not required to explain its decision to adopt the recommendation. A review of the Report and prior orders indicate that the Magistrate Judge correctly concluded that Plaintiff's Complaint is subject to dismissal pursuant to Rule 41.

After carefully reviewing the applicable laws, the record in this case, and the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, this Court adopts the Magistrate Judge's Report and Recommendation and incorporates it herein by reference. (ECF No. 23). Consequently, this action is dismissed without prejudice for failure to comply with court orders.

IT IS SO ORDERED

October 18, 2024
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Court Judge